

DEVIN DERHAM-BURK #104353
CHAPTER 13 STANDING TRUSTEE
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Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5

In re:

Phan Ngoc Pham

Chapter 13
Case No. 22-50306SLJ

THIRD AMENDED TRUSTEE'S OBJECTION
TO CONFIRMATION WITH CERTIFICATE
OF SERVICE

Continued 341 Meeting Date: July 6, 2022 @
9:30AM
Pre-Hearing Conference Date: N/A – Trustee's
Pending List
Place: Telephonic or Video Only
Judge: Stephen L. Johnson

Debtor(s)

Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this Plan for the following reasons:

1. The Plan is not feasible pursuant to 11 U.S.C. §1325(a)(6) because the Debtor is proposing to pay a total of \$33,840.00 and this is not enough money to pay all scheduled and/or filed secured, priority, administrative, and any general unsecured claims plus trustee's fees. As of the date of this objection, and based on the Trustee's review of scheduled and filed claims, the Debtor would need to pay \$45,700.00. **This amount can change *daily* because it is derived from many variables including the amounts stated**

1 on filed claims, changing treatment of claims in amended plans, objections to claims,
2 additional attorneys fees and changing trustee's fees. The actual amount of money
3 needed to complete the plan cannot be determined until after the plan is confirmed
4 and all claims are filed and allowed. The Trustee is providing the above number to
5 assist the Debtor in understanding why the plan is not feasible at this time. The
6 number does not represent an actual payoff for the case and cannot be relied upon
7 for any purpose other than to demonstrate lack of feasibility.
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- 9 2. The Debtor has failed to appear and/or submit to examination under oath at the meeting of
10 creditors under 11 U.S.C. §341(a). Without conducting this examination, the Trustee is
11 unable to adequately investigate the Debtor's financial affairs as she is required to do
12 pursuant to 11 U.S.C. §1302(b)(1) (incorporating 11 U.S.C. §704(a)(4)). In addition, until
13 the Debtor is examined by the Trustee, she is unable to recommend confirmation of the
14 Debtor's plan. The Trustee requests that the Debtor appear at a rescheduled meeting of
15 creditors.
16
- 17 3. The Debtor has failed to provide the Trustee with either or both 1) a government-issued
18 photo identification, or 2) proof of a social security number. *See* 11 U.S.C. §521(h).
19 Without being able to establish the identity of the Debtor, the Trustee is unable to
20 adequately investigate the financial affairs of the Debtor or recommend confirmation.
21 The Trustee requests that the Debtor provide her with verification of both identity and
22 social security number.
23
- 24 4. The plan is in violation of 11 U.S.C. §1325(a)(6). The plan payments under Section 2.01
25 of the plan are insufficient to cover the monthly administrative expense in the amount of
26 \$556.40 under Section 3.06 of the plan as well as the Trustee's fees. The monthly plan
27 payments under Section 2.01 cannot be less than \$619.00.
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1 5. The Trustee is unable to recommend the case for confirmation until such time as counsel
2 for the Debtor files an Application for Compensation.

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7 Dated: June 16, 2022

/S/ Devin Derham-Burk

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9 Chapter 13 Trustee
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Trustee's Obj to Confirmation 22-50306SLJ

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Said envelopes were addressed as follows:

Law Offices of Phuc Dinh Do
181 S King Rd
San Jose, CA 95116

13 | /S/ Lesley Pace
Office of Devin Derham-Burk, Trustee